

# THE HONOLULU REPUBLICAN.

VOLUME I. NO. 99.

HONOLULU, H. T., WEDNESDAY, OCTOBER 3, 1900.

PRICE FIVE CENTS

## ALL SEAFARING MEN ARE DISFRANCHISED

If They Will Persist in  
Living on Their  
Ships.

MUST ANCHOR DOWN OR SUFFER  
ROLLING, ROLICKING SAIL-  
ORS MUST PIN DOWN AND  
PAY ROOM RENT.

Supreme Court of Hawaii Has so  
Decided in a Lengthy Opin-  
ion Herewith Given in  
its Entirety.

According to the supreme court in a decision rendered yesterday, sailors living aboard boats plying between different points on the islands cannot vote unless they tie up to a dock for keeps or go ashore and establish a regular home. The matter came up in the Joseph Irving appeal from the action of the board of registration in refusing to register him as a voter in the Sixth precinct of the Fourth district of Oahu.

The facts agreed upon were that Irving had lived in a fixed and permanent room for seven months past on board the Iwawani, an inter-island steamer, with a regular berth as the wharf in the above voting precinct.

The board of registration refused to allow Irving to register on the ground that he had not been a resident in the said precinct for the three months immediately preceding the time he applied for registration.

In a decision written by Gaubraun, the other judges concurring, the board was upheld in its contention. The court said:

"For the purposes of this case it is not necessary to determine whether 'residence,' as used in section 90 of the Organic Act, is equivalent to domicile. However, from the authorities we do reach the conclusion that a house of stone or brick or even of wood, is not essential to enable one to become a resident of a precinct and a qualified voter therein. He might live in a tent, a grass hut or dwell out in the open, cramped by the 'silent stars.' But there must be some definite and permanent place designated and occupied in order to entitle one to claim the same with the rights and privileges surrounding the residence of domicile of a freeman. Clearly, one could not reside in a wagon or building on wheels and move the same from precinct to precinct and establish a residence 'in any voting precinct unless his wagon or place of abode remained in the precinct the length of time required by law.'

"The record shows that the residence of the appellant for the past seven months has been on board of the steamer Iwawani in a 'fixed and permanent room,' that this steamer is engaged in the inter-island trade. Her home port is Honolulu, and when there she is docked at a wharf in the harbor designated as one of the boundaries of the said Sixth precinct.

"It is clear from this statement that when the Iwawani goes to Lahaina or some other port, that the 'fixed and permanent room,' the residence of the appellant, aboard the steamer, goes also, and that his residence during the time the steamer is away is not at Honolulu and within the Sixth precinct as claimed. To enable the appellant to successfully maintain such a claim, there is wanting that essential element necessary to establish a residence, a permanent or fixed location.

"In the very short time since the argument of this case we have been able to find one decision that is certainly controlling and decisive of the case at bar. The facts are very similar except the appellant's residence aboard the steamer in that case extended over a period of two years and the court says in part: 'It is quite apparent, under the facts of the case, that the appellant never acquired a voting residence upon the steamer while temporarily lying at her pier at Light street wharf, if the city of Baltimore gave him one.'"

"The next question then is, did the appellant acquire a voting residence in the city of Baltimore by residing upon the steamer in the manner stated by him? Now the rule of law seems to be settled that a seaman or seafaring man retains his domicile of origin, although he is regularly employed on a steamer, unless by actual residence he acquires a domicile elsewhere. In Thorndike v. Boston, 1 Met. 245. Chief Justice Shaw states the rule thus: 'If a seaman without family or property sails from the place of his nativity, which may be considered his domicile or origin, although he may return only at long intervals, or even be absent for many years, yet if he does not, by some actual residence or other means, acquire a domicile elsewhere, he retains his domicile of origin.' If a person could gain a voting residence by simply residing upon a steamer, because it was temporarily fastened to a pier or wharf while discharging its freight and taking on its cargo, then one might acquire any number of residences and would have the right to register at either terminus of the steamer or at any point where the steamer stops. The object in prescribing residence as a qualification for the exercise of the right of suffrage, says this court, is

not merely for the purpose of identifying the voter and as a protection against fraud, but also that he should become in fact a member of the community and as such have a common interest in all matters pertaining to government."

"It follows that we are inclined to the opinion that the contention of the appellant cannot be maintained for the reason that he has not established a voting residence in the precinct and that the question hereinbefore stated must be answered in the negative."

## THE TRAVEL CLUB'S JOURNEY OVER HOLLAND

Holland and its early history was the theme that occupied the attention of the Travel club of the Y. W. C. A. in the Elit block last evening.

A good delegation of club members spent a profitable and enjoyable evening listening to interesting papers relating to that country, past and present, its customs, manners and the general characteristics of its people. The first ten minutes was given over to a general discussion of current events. Medaevial Holland also came in for a share of consideration, which included a vivid description of the city of Leyden and an account of the manner in which the city was protected by a system of dykes. A map drill was one of the helpful features of the Travel club's meeting, and this greatly assisted in rounding out a most instructive session.

Tuesday evening, October 2, the same subject will be further studied and considered.

## Lively Day's Work On Probate Business

D. Manuel, a Self-Confessed Spendthrift, Asks That J. A. Magoon be Appointed His Guardian.

The defendants in the case of S. N. W. Kawelo and W. R. Castle, trustees, have filed a bill of exceptions to the decision of Judge Humphreys made last Friday.

An order for the sale of real estate at the upset price of \$2,000 was entered in the matter of the estate of J. P. Pinao, w. of Alice, Ewa, yesterday. Samuel Kallimall, the administrator, was licensed to make the sale at public auction. There are debts amounting to \$1,268.20 over the proceeds from personal property.

In the matter of the estate of Katie Allen Sims, late of Kalihi, Oahu, Mary A. S. Rose petitioned for letters of administration. Hearing will be had Monday, November 5.

David Manuel, a self-confessed spendthrift, petitioned for the appointment of J. A. Magoon as guardian and wants a hearing forthwith. Antonio Manuel, a brother, informs the court that the petitioner has \$7,000 worth of property and \$1,000 on deposit. David admits that he has been wasteful and has lost the power of restraint in the use of money. He recently sold \$4,000 worth of property and has squandered about all the proceeds.

In the case of Wong, Put and Nam vs. Chock Sing and Chang Sing, before Judge Humphreys, the court stated that an order for a preliminary injunction would be filed upon presentation of same. The litigation arose because the defendant interfered with complainant's leasehold rights in certain premises. The matter will come up Thursday.

In the matter of the estate of J. J. Quintana Motta, Judge Humphreys yesterday granted the petition for letters of administration. J. A. M. Osoria was appointed with bond fixed at \$1,200.

In the matter of the estate of E. E. Ulbrecht, et al., minors, the court yesterday granted the petition for an order for sale of real estate, the guardian to file a bond for \$2,000.

The report of P. D. Kellett, Jr., master in the estate of Wm. Brash, was confirmed by Judge Humphreys yesterday. The fifth, sixth and seventh annual reports were also approved. J. A. Magoon, guardian, was required to file a new bond of \$10,000.

## J. OSWALD LUTTED'S DAY. Celebrates His Birthday at the New England Bakery.

It was a merry gathering of friends who assisted J. Oswald Luttet, the popular proprietor of the New England bakery, to pass his fifty-seventh birthday last evening at his quarters on Hotel street. On the lull of his place of business had been arranged tables, upon which a most tempting array of good things were set before the fortunate guests. A pleasant evening was spent in delightful informal sociability. In the entertainment of his guests the host maintained his long-established reputation in this line. The festsal boards were well laden with all the delicacies the markets afforded, while cigars and drinkables were passed along at the conclusion of the feast. Before leaving the guests wished their host many happy returns of the day. Among those who were present were Mrs. Gulick, Mr. Thompson, Miss Cook, Ed Morgan, Mr. Seabury, P. Paroniz, Miss Edna Hoffman, Mr. and Mrs. Luttet and daughter, J. F. Kennedy.

## IMPORTANT MEETINGS REPUBLICAN LEADERS

Committees for Fourth  
and Fifth Districts  
Met Yesterday.

WATERHOUSE REPLACES DILLINGHAM

DEMOCRATS ARE BUSY DIS-  
TRIBUTING NEW BADGES  
AND BANNERS.

Ninety Democratic Delegates Will  
Meet in This City Next Monday—  
Say Prince David Will Meet  
Every Requirement.

The committees of the republican party for the Fourth and Fifth districts of the city had a protracted meeting at republican headquarters yesterday afternoon. It was finally decided that the failure of B. F. Dillingham to register was fatal; that even if it was not absolutely essential to his eligibility, the fact that he had not thought enough of the franchise to register would greatly handicap him. He was therefore removed from the ticket and Henry Waterhouse was named in his stead. There was a full delegation present, James H. Boyd presiding. The meeting was very harmonious. Mr. Waterhouse's nomination is regarded as a very strong one.

Last evening the officers of the clubs of the Fifth district met at the headquarters and discussed the situation generally. Chairman Carter presided. The discussions were productive of much and the best of spirit was developed.

The meeting of the republicans of the Second precinct of the Fourth district at the corner of Pihiki and Kinau streets was postponed from last evening to 8 o'clock tonight. A large tent owned by Joe Gilman has been raised and seated with chairs to make it comfortable for all who may come. The object of the meeting is to appoint a committee to canvass the precinct and see that every republican is registered by October 10, the date on which the books close. The business of the evening will be transacted in a very short time. After this is over speeches will be made by candidates and other good speakers. This is the banner republican precinct of the city and a big rally of the faithful is desired.

At the pleasant and cozy rooms of the democratic headquarters committees were coming and going all day and evening. Chairman McCarthy was in attendance in the morning, but Secretary Hart was kept on the jump all day. Democratic workers are going to all sections of the island and handing out banners, banners and other paraphernalia are being distributed with a lavish hand.

The territorial convention of the democratic party will meet in this city on Monday next. It will consist of ninety delegates and it is expected that there will be a full attendance from every section of the group.

"You can tell all those who are so anxious about Prince David's eligibility to the office of delegate to congress that he will fulfill every legal requirement in ample season," said an officer of the committee last evening. "He is an honest candidate and this committee will leave nothing undone to make his candidacy straight, fair and honest."

The independent's territorial convention will be held here on tonight a week.

Another registration case will proba-

bly go to the supreme court. It came up yesterday. An American applied for registration and after stating his case Robert Boyd contested his rights. The facts as stated by the applicant are these: He lived here eight months and then, on account of ill-health, was ordered back to San Francisco to recuperate. All the while he claimed a residence in Honolulu. Since returning he has lived six months in the city. The applicant was sworn, but the contest was noted and will be acted on later. C. B. Wilson and other republicans took cognizance of the matter.

W. H. Cornwall has gone to Maui to do battle for the democracy.

The republicans' mass meeting at Waimanalo will be held Thursday evening.

The new democratic badge was issued yesterday. It consists of a kahiki and crossed tab sticks in yellow on a white ribbon. It is rather small but quite neat. A large number were sent by the Kinau to Maui and Hawaii. The same emblem also comes in broader and longer sizes of ribbon, to be used for hat bands. The latter is very handsome and neat.

John E. Bush, candidate on the democratic ticket for the house of representatives, was yesterday granted a vacation for a month by Judge Humphreys. The vacation was granted on account of the long service without a rest and the necessity of his working among the dear people in the campaign.

The executive committee of the republican party sent out the following workers in steamers leaving yesterday:

To Hawaii in the Kinau—W. C. Achi and W. J. Coelho, to accompany Samuel Parker.

To Maui in the Maui—Enoch Johnson (Enoka), L. W. T. Kanehili and Rev. S. Kapa.

The workers for Hawaii will land at Hilo and will begin the campaign on the big island from that place. The Maui workers will land at Hana and will work down the coast to Lahaina. Mr. Kanehili will then go to Maui, while the others will return to Honolulu.

## Kohala and Hilo Road Now an Assured Fact

At Monday's Annual Meeting a  
New Board of Officers Was  
Chosen for the Year

The following officers of the Kohala & Hilo Railway Company have been elected to serve for the ensuing year: President, Herbert B. Gehr; first vice president, Samuel Parker; second vice president, W. G. Ashley; secretary and treasurer, John S. Walker; auditor, J. W. Jones; directors, Messrs. F. M. Swanky, W. O. Smith, S. E. Damon and H. A. Wilder. The above named officers constitute the board of directors.

These officers were chosen on Monday, when the company held a meeting in the office of W. O. Smith, this city. Action was taken in regard to the completion of plans for proceeding with the construction of the road. The mortgage to secure the company's bonds to the amount of \$3,500,000, which are to be taken by the North American Trust Co. of New York, was approved by the meeting.

Surveys for the railway will be completed within a few weeks, several corps of engineers being at work. Materials are being obtained in the east and the work will be pushed at once. The contractors will bring their own labor from the States, so as not to interfere with the plantation labor.

The line is to extend from Hilo to Mahukona, a distance of 116 miles. It will be a modern, standard gauge railway, complete in every detail.

## Deputy Attorney General Judge Hardy's Successor

A GENTLEMAN just arrived from the Island of Kauai brings a story to the effect that changes in the circuit judgeship are pending in that island. The story he told to The Republican is to this effect: Judge J. Hardy, who was appointed judge of the Fifth circuit by President McKinley, has been in ill-health ever since his appointment and unable to perform the duties of his office. It will be remembered that Judge Little was sent up to Kauai some time ago to hold court in Hardy's circuit, owing to Judge Hardy's inability to do so.

As Judge Hardy has improved so very slowly he has become imbued with the idea that he would never be able to go on the bench again and accordingly wrote his resignation and sent it to the attorney general to be forwarded to Washington. This was several weeks ago and the people of Kauai are beginning to wonder what was done with Judge Hardy's resignation.

The Republican's informant says that immediately after forwarding his resignation to Honolulu to be sent to Washington, Judge Hardy was requested by members of the territorial administration to keep his resignation secret until it had been acted on at Washington; that his resignation had been forwarded to Washington by the attorney general, through the governor, together with the recommendation of the governor and his official family of a man for Hardy's successor. The plan was to keep the resignation secret until after Judge Hardy's successor had been appointed.

The informant further declared that it was the intention of the territorial administration to secure the appointment of Deputy Attorney General J. W. Cathcart for the place made vacant by Judge Hardy, and that the strongest sort of recommendations in behalf of Cathcart had been sent to Washington by Governor Dole, the attorney general and others in this secret, along with Hardy's resignation.

## ANDREW BANNISTER SCORNE A WOMAN

He Is Served With Pa-  
pers in a Breach of  
Promise Suit.

WAS STARTING ON WEDDING TRIP

ASU BROWN SUES HIM FOR  
SUPPORT OF HERSELF AND  
THEIR TWO CHILDREN.

She Has Lived With Bannister Since  
1897 Under Promise of Mar-  
riage—Now He Scorns  
Her for a Wife.

"When a man's married his troubles begin" is an old saying that often carries more truth than fiction. Andrew Bannister, who was married to Miss Bertleman on Monday evening, thinks so now. Yesterday he started with his wife for a honeymoon trip to Hilo, on the Kinau, and just before the steamer sailed he was served with papers in a breach of promise case in which he is made defendant and asked to pay the sum of \$5,000 to Asu Brown, who claims that he had lived with her for several years under promise of marriage, and that she bore two children to him during their cohabitation.

The complaint for breach of promise recites the facts of the case as follows: That on the 11th of June, 1897, Bannister and the plaintiff went to live together as man and wife under the promise of the defendant that he would make the plaintiff his lawful wife. The couple lived happily, the plaintiff relying all the time on the promise of the man to marry her. The marriage was put off from time to time and after a year of cohabitation a child was born to them.

After this event, although often importuned to have the marriage ceremony performed, the defendant put it off, and on the 25th of last month another child was born. While the plaintiff was recovering from the ordeal defendant told her that he was to be married and that she would have to get out of the house and find some other place to live.

Plaintiff begged defendant to keep the promise he had made her, but he refused and ordered her out of his house. The woman, nettled at the treatment and seeking support for herself and children, has brought the suit, alleging breach of promise as her cause of action.

Lorrin Andrews is acting as her attorney and it is understood that J. T. DeBolt will defend the case for Bannister.

## "Casey" Departs for Home in California

Some of the Impressions Formed of  
Honolulu by a "Frisco Commer-  
cial Drummer."

Fred Mulhausen is a commercial drummer. He has been here for several weeks in the interests of his firm, which is one of the largest and best known in San Francisco. Mulhausen is familiarly known as "Casey." He has traveled all over the world, or at least over all those portions of it where the inhabitants eat. He sells mush and other prepared foods. Casey is a Bohemian. He makes friends wherever he goes and wherever he is, he is looked up to and expected to furnish "action" for those who happen to be around.

"Casey" came here directly from the Orient. He had traveled extensively in the Philippines and China and Japan, disposing of his wares. He started out to see people soon after arrival here and has now finished his business and leaves in the America Maru for home this morning. He has gone around a good deal since arriving here and has formed some impressions which he keeps tab on in a book carried for the purpose and which he is going to show to the newspaper men when he arrives in San Francisco.

Here are some of Casey's impressions of Honolulu and the approaches thereto:

pie in Honolulu and no churches. There are many whites there now and drinks are a luxury. Nobody can afford to get drunk unless he is rich. It's a sin to be poor in Honolulu.

"There is a custom house in Honolulu. I find that the people who know most about the U. S. tariff laws are not in the custom house. The inspectors on the wharfs and the assistant collectors are all right. They know their business. The rest, especially the appraisers and collector, need fixing. There is something the matter with them. How these wretches got their jobs is a mystery to me. I think if the collector knew his business there would be some great changes in the custom house."

"I think that if the people who were instrumental in bringing about the annexation of these islands to the United States realized that they were not annexing the United States they would have thought twice before the deal was consummated. From a business standpoint I think the islands have a great future, but the business methods will have to be changed. A man doesn't like to feel after he arrives at a town of the size of Honolulu that he has to break his way into the business community with an axe. Commercial travelers are going to come here. You can't keep them out. They will bring their axes with them and when they leave they will take a little hammer with them, unless things change. I haven't been home for a long time. I will be glad when I get there. I'm going home to cool off and will return again. I may bring some gold bricks with me, but you bet I won't have to have them appraised."

## The Supreme Court Acts on Many Cases

Eleven Different Actions Disposed  
of in Very Short Order—All of  
Trifling Importance.

There were eleven cases considered by the supreme court yesterday. In the case of Nettie L. Scott vs. J. K. Nahale, on appeal from a decree of ejectment, appeal was dismissed. Lorrin Andrews was counsel for the plaintiff and Enoch Johnson for defendant.

In the case of Nettie L. Scott vs. M. G. Silva, in a similar case of action, the matter was taken under advisement. The same attorneys appeared for the parties respectively.

The appeal from a decree disallowing certain items in the account of the executor of the estate of Antonio Rodriguez was argued and taken under advisement by the court.

The case of John Bell vs. Parlow was argued by J. A. Magoon for plaintiff and Messrs. Robertson & Wilder for defendant and taken under advisement by the court.

The case of Manuel N. Calacca vs. Antonio M. Caldeira was argued by Coke & Hons for plaintiff and Enoch Johnson for defendants.

The five cases known as the Koolan appeals were argued and submitted. The litigation originated from the grazing of stock owned by Messrs. Paley and Bell upon the lands of the defendants. J. A. Magoon argued for the plaintiffs and Alex. Robertson for the defendants.

## WOMAN'S MISSION WORK.

An Interesting Paper on Alaska  
Read by Miss Grayden.

The meeting of the woman's missionary board drew out a fair attendance at the parlors of the Central Union church yesterday afternoon. Those who were present were delightedly entertained as well as instructed by the paper on "Alaska Work and Missions," which was read by Miss Grayden, a teacher in Oahu college. It proved highly interesting and in its preparation Miss Grayden showed that she had given the subject much study and research. The missions of the north and the results attained in that far-off country were admirably depicted, while the conditions existing there were vividly described. Miss Grayden's paper denoted that missionary work was being successfully carried on and that much progress had been made all along the line of Christianizing and educating the natives.

The scope of the missionary board and its labors in this city is a wide one. This board has for years carried on a work among the Japanese, Chinese and Hawaiians in Honolulu that has borne good results. The kindergarten classes maintained under its auspices have done much good and the time and effort put forth in this direction has been well spent.

Before the meeting closed several plans for the furthering of philanthropic work were presented and discussed. The ladies propose that their efforts along their chosen lines shall be more far-reaching than in years past.

## Pain and His Gall-Cure.

A tin of gall cure and the directions for using it were introduced as evidence in the police court yesterday morning by Manager Pain of the Tramways company. Mr. Pain stated that the frequent arrests of his drivers for cruelty to animals was very annoying to him, as the arresting officers did not know their business and aside from being able to tell a horse from a mule they knew very little about animals that work for the Tram Co. The gall cure was frequently used in the stables of the company. It is used externally and must be applied while the animal suffering with a gall is being driven, else the medicine refuses to work. The sick animal does not get a chance to refuse to work.

## VOID IN THE ATTORNEY GENERAL'S OFFICE

Able Assistant Hies  
Him Away for Pas-  
tures New.

TOOK THE STEAMER FOR HONGKONG

MEMENTOS OF HIS SOJOURN  
HELD BY SEVERAL ACCOM-  
MODATING FRIENDS

Young Man Continues Journey  
Which Was Interrupted by a  
Period of Office Holding  
in Hawaii.

Lloyd M. Robbins, for some time assistant to the attorney general of the Territory of Hawaii, left for Japan and China on the steamer Nippon Maru last Saturday, and thereby hangs a tale.

Mr. Robbins came to Honolulu on the steamer Gaelic on Wednesday, June 13, being booked on the steamer as a through passenger for Hongkong, for which city he was destined. During the stay of the steamer here Mr. Robbins met a number of gentlemen, having brought with him some letters of introduction which soon gained for him entrance into ever broadening circles. It was suggested to Mr. Robbins that as Hawaii was to be made a territory on the day following his arrival he ought to stay in Honolulu and try his fortune here.

Mr. Robbins finally concluded that he would stop over for a steamer or two any way, as his ticket entitled him to a six months' lay-over if he should so desire. But prospects for immediate paying business were not good and the young man concluded he would continue on his journey by the next steamer of the Pacific Mail and allied lines. But a kindly land induced the young gentleman to tarry longer and on June 18 he was duly admitted to practice law in Hawaii before the supreme court.

About this time Mr. Robbins met the attorney general of Hawaii and, pretending a great desire to remain in the territory instead of continuing his journey, so won the confidence of the territory's eminent legal advisor that he was offered the post of assistant attorney general at a salary of \$1,800 a year.

There were a number of young attorneys in the city who aspired to this easy post and the names of several were mentioned in connection with it. One in particular, it was asserted, had been promised the place, but Attorney General Dole denied this to a Republican reporter on the evening of June 24, and further said that night that he had not appointed any one and might not do so for a month. But apparently he changed his mind, for the very next morning, June 25, just twelve days after Mr. Robbins' arrival on the Gaelic, the appointment of Mr. Robbins as assistant to the attorney general was made public.

Of course there were unkind people who criticized the appointment on the ground of Mr. Robbins not being a citizen of the territory, but the attorney general held that Mr. Robbins, being a citizen of the United States and having resided in Hawaii previous to the 14th of June (he having arrived on the Gaelic June 13), was a citizen of Hawaii. Of course, the supreme court has just held differently, but that has nothing to do with this story.

Mr. Robbins having remained in Hawaii about as long as the limit of his stop-over ticket would allow and having had a very nice time here at the expense of the people, through the kind offices of the attorney general, he bled himself off for Hongkong on the Nippon Maru on Saturday, leaving a glaring void in the office of the assistant to the attorney general, and the I. O. U.'s which had been so much of an inducement to remain, still in the hands of those who had held them ever since June.

The attorney general is now reported to be awaiting the arrival of some other nice young law student from the States who is en route to Hongkong and who would like to spend three or four months in Honolulu at a salary of \$150 per month with other little perquisites loaned by accommodating acquaintances. Any young attorney, fresh from the law schools of the mainland, will find a nice easy job open for him by making early application to the attorney general of Hawaii.

## DAY OF ATONEMENT.

Jewish Citizens Will Fast and Wor-  
ship Today.

Today will be celebrated as the Day of Atonement by the people of Jewish faith in this city. A most casual place of business closed, and by them will be closed in commemoration of the event. Services will be held throughout the entire day in a progress hall. Prominent persons among local Hebrews will make addresses. Messrs. Mathews, Flower, and Levy are among those who will speak. A number of business houses, closed yesterday afternoon at 3 o'clock and will remain closed until today morning. The holiday of the Jewish church partakes of the nature of a fast day, and those who properly observe it devote the time to the attending of special services in their places of worship.